



Tulane Environmental Law Clinic

October 25, 2021

VIA FOIA ONLINE

U.S. Environmental Protection Agency

Re: Freedom of Information Act Fee Waiver Request

Dear FOIA Officer:

On behalf of Patricia Charles, Carolyn Peters, Raphael Sias, Ronald Carrier, Larry Allison, Karl Prater, McKeever Edwards, Stafford Frank, and Peggy Anthony (collectively, “Mossville Residents”), and in connection with the accompanying Freedom of Information Act request, we request a fee waiver as detailed by 40 CFR § 2.107(I). As outlined below, this request meets each of the six factors of the fee waiver requirement.

First, the subject of the request records concerns “the operations or activities of the government.” 40 CFR § 2.107(I)(2)(i). The requested information concerns the method by which the EPA, a governmental agency, reviews and accepts data regarding emissions of carcinogenic pollutants.

Second, the disclosure of the requested information is “likely to contribute” to the understanding of government operations or activities. 40 CFR § 2.107(I)(2)(ii). The information requested will shed light on the method by which the EPA, a governmental agency, reviews reported emissions reductions of a carcinogenic pollutant. The requested information will reveal how the EPA engaged with the permittee and the state agency in its review Ethylene Oxide emissions reductions submitted by Sasol Chemicals.

Third, the disclosure will contribute to the understanding “of a reasonably broad audience of persons interested in the subject.” 40 CFR § 2.107(I)(2)(iii). The information requested relates to the EPA’s review of emissions reductions of a carcinogenic pollutant that will have long-term effects on the residents of Mossville and the surrounding Lake Charles area. The requesters here are only a few members of the broader public with an interest in this information. Not only would the residents of Mossville and the surrounding area be interested to learn the requested information, but likely all those who reside near a facility that emits ethylene oxide. These facilities are located throughout the country, expanding the size and scope of the interested public. Indeed, EPA Region 6’s community meetings conducted in August and September of 2021 regarding ethylene oxide emissions in several states reflect EPA’s understanding that a reasonably broad audience is interested in this information.

Fourth, the disclosure will contribute “significantly” to public understanding of government operations or activities. 40 CFR § 2.107(I)(2)(iv). The public’s understanding of the

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EPA's review of ethylene oxide emissions reductions submitted by Sasol will be significantly enhanced by disclosure of the requested information. Currently, there is very little, if any, information available to the public detailing the method by which the EPA engaged on the issue of emissions reductions submitted by Sasol. Disclosure of the requested information would provide significant insight into EPA's review process.

Fifth, the Mossville Residents have no commercial interest in the requested information. 40 CFR § 2.107(I)(3)(i). The Mossville Residents merely seek to gather information that affects their health and environment.

Sixth, as the Mossville Residents have no commercial interest in the requested information, and as the public interest standard has been satisfied, the "public interest is greater in magnitude than that of any identified commercial interest in disclosure." 40 CFR § 2.107(I)(3)(ii).

For the foregoing reasons, we respectfully request a fee waiver for the accompanying Freedom of Information Act request

Thank you.

Prepared by:

Respectfully submitted by:

/s/Catherine Meyer
Catherine Meyer, Law Student
Tulane Environmental Law Clinic
6329 Freret Street
New Orleans, LA 70118
Telephone: (504) 865-5789
Fax: (504) 862-8721
Email: cmeyer7@tulane.edu

/s/Lisa W. Jordan
Lisa W. Jordan
Tulane Environmental Law Clinic
6329 Freret Street
New Orleans, LA 70118
Telephone: (504) 865-5789
Direct: (504) 314-2481
Fax: (504) 862-8721
Email: lwjordan@tulane.edu
Counsel for Mossville Residents